

1887-003 Chancery Causes: Wheeler & Ball vs. Stephen Pace
Lee Co.

Wheeler, Ball, Hill

1 Plat

CH-Debt
T-Property

Will: 1885 ; Edmond Pace ; Lee County

To the Hon. H. S. K. Morison Judge of the Circuit Court
of Lee County Virginia

Humbly complaining your Orators James M. Wheeler &
Moses S. Ball late Merchants and partners in trade under
the firm name of "Wheeler & Ball" would respectfully
state that on the 13th day of Nov. 1886 they obtained four separate
judgments at law against one Stephen Pace before E. H. D. [unclear]
a Justice of the peace for said county, amounting in the aggregate
to \$330.00 of principal money and \$4.00 cost, and each of
said four judgments is herewith filed marked A, B, C & D, respectively
and are prayed to be considered as paid hereof: By the
of these judgments your Orators are indebted by [unclear]
\$100.00 with legal interest thereon from the 1st day of January 1879
till paid and \$1.00 cost, by the second \$65.00 with legal
interest from the same time till paid the cost amounting to \$1.00
by the third the like sum of \$65.00 with legal interest thereon
from the first day of January 1880 till paid and \$1.00 cost,
And by the fourth \$100.00 with legal interest thereon from the
first day of January 1881 till paid, and \$1.00 cost,

Your Orators state that said Pace has no personal estate out
of which said judgments can be made, and he steadily and
persecutively neglects and refuses, to pay the same, and each
and every part thereof is now due and owing to your Orators

Your Orators further state that one Edmon Pace the father
of said Stephen Pace lately died in said county of Lee, after having

Made and published his last will and testament which has been duly proven and admitted to probate a copy of which will is herewith filed as a further part hereof marked (E). Your Orators further state that said Edmund Pace at his death was the owner in fee of a tract of land lying on the waters of Martins creek about 15 miles west of the court house of Lee County containing about 37 acres. And out of that tract he by his said last will and testament devised the use occupation and rents of about 37 1/2 acres thereof to his widow, Frances Pace during her life, and at her death, to the said Stephen Pace, so that the said Stephen by virtue of said will is invested with the title thereto subject to said life estate:

Your Orators further state that the boundary line devised to said Stephen Pace subject to said life estate has been laid off and circumscribed by metes and bounds and is correctly represented by a diagram or plat ^{thereof} herewith filed as a further part of this bill marked (F);

Your Orators are advised that since said Stephen Pace has a present vested interest in said tract of land that their said four judgments at law operate as a lien on and they are further advised that a court of equity will enforce the lien thereof by decreeing said Stephen Pace's remainder or reversion therein to be sold to pay the same and to attain that end is the object of this bill.

The premises considered your Orators pray that
said Stephen Pace be made the defendant to this bill
and be required to answer the same fully in Court
and on a hearing thereof a decree be entered in
favor of your Orators for the aggregate amount of
four judgments at law against said Pace in
said tract of land be decreed to be sold to pay the
same, subject to the life estate therein, and if in any
wise mistaken in this their Special prayer then your
Orators pray for all general relief, May the Com-
monwealths writ of Habeas corpus directed &c.

Henry J. Morgan for

Clerk 5.67
Sheriff - 5.00
Geo. Bell - 5.00
Atty 15.00
\$21.67

Wheeler & Ball

Bill to Enfr. Ind. Lin

Stephen Pace

1887 Fry Bill. Filed 3rd

Decided & Decree nisi

March Decree nisi confirmed
& Cause set for hearing

March Term Decree
for sale & continued

Aug. Decree final

Whelan & Ball	Plff	} In Chy
vs.		
Stephen Pace	Def	

This cause came on to be finally heard on the papers heretofore read in the cause and the report of Special Comr. H. J. Morgan filed during the present term showing the execution of a deed of conveyance to the plaintiffs in conformity to the decree heretofore entered in the cause and was argued by counsel, and the said report and deed being unaccepted to. On consideration of all which, It is adjudged ordered and decreed that said report and deed be confirmed and the plffs will pay Comr. H. J. Morgan \$2.50 for the execution thereof, and the clerk of this will deliver to the clerk of the County Court said deed for recordation and no further action being necessary in the cause the parties are hence dismissed and the cause stricken from the docket.

Whelan & Ball

is } Decent Final

Stephen Pace

Entered page 20

C. D. Books No. 3.

J. L. Hyatt
cc.

Entered this
H. S. K. M.

Sept 7 / 807

Wheeler & Ball Plff.
vs. } In Chy
Stephen Pace Deft.

This cause came on further to be heard on the papers heretofore read in the cause. And the report of Court. Henry J. Morgan dated June 1st and filed in the cause June the 10th 1887. Showing the sale of the land in the bill mentioned and the disbursement of the cash paid him in hand &c and was argued by counsel, and the said report being unaccepted to. On consideration of all which it is adjudged ordered and decreed, that said report be the same is confirmed and it is further ordered that the recovery heretofore decreed the plaintiffs against the defendant. stand credited with the sum of \$120.81 the nett proceeds of the sale of said land as of the 17th day of May 1887. And Henry J. Morgan is appointed a Special Comr. for the purpose who is ordered to convey by proper deed to the plaintiffs the defendants title and remainder to the 37 acre tract of land in the said bill mentioned with covenants of special warranty and said conveyance to be made subject to the life tenants estate thereon said Comr. will report his action to the court, and the cause is continued until the coming thereof.

Wheeler & Ball

is { Dec 102

Stephen Pace

Entered page 44

Q. B. 101 & 103

A. G. Hyatt & Co

Enter this

H. S. K. M.

Dec 30th 1887.

Wheeler & Ball

vs.

Stephen Pace

Pffs.

Def't

} In Chy

This cause came on to be heard on the bill of the plaintiffs and exhibits therewith taken for confessed by the defendant. And was argued by counsel. On consideration thereof it is adjudged ordered & decreed that the Pffs recover against the defendant \$334.00 the aggregation of the four judgments at law in the bill mentioned, with legal interest on \$165.00 part thereof from January 1-1877. the like interest on \$65.00 another part thereof from Jan 1-1880 and the like interest on \$100.00 another part thereof from June 1-1881 till paid and the costs of this suit. And said judgments operating as liens on the 37 1/2 acre tract of land in the bill mentioned, as shown in exhibit (F.) with plaintiffs bill unless the sum above decreed the plaintiff be paid to them by the def't or some one for him within 20 days from the rising of the court. then it is further ordered that the defendants remainder or reversion in said 37 1/2 acre tract of land or so much thereof as may be necessary be sold at Public auction to the highest bidder at the Court house of the Court house on some court day after the same shall have been advertised 30 days prior thereto showing time terms and place of sale. At said sale so much cash in hand will be required as will pay the costs of suit and sale and as to the remainder 6, 12 & 18 months time will given with interest from day of sale the purchaser required to give bond with approved security for the deferred pay

And Henry J. Morgan is appointed a commissioner to
execute this deed who before doing so is required to
execute bond before the clerk of this court with good security
in the sum of \$500. with condition to account for all
money he may receive in the cause and he will
report his action to the court the cause is continued

Wheeler & Ball

vs. } Deam No 1

Stethum Place

Entered page 51

Entered this

29. March 1887

H. A. K. M.

Wheeler & Ball

vs.

Stephen Pace

Peff

Deft.

In Chy.

To the Hon. H. S. H. Merison Judge of the
Circuit Court of Lee County Virginia;

Pursuant to your decree entered in the above
styled cause on the 29th day of March 1887. After due
advertisement thereof, I proceeded on the 17th day
of May 1887 that being county court day, to offer
for sale at the front door of the court house of said
County, at public auction to the highest bidder
the defendants ~~residue~~ remainder in the 37 acre
tract of land in the bill and proceedings mentioned
When J. M. Wheeler for himself & M. S. Ball - - - offered
therefor the sum of One hundred and fifty dollars,
and that being the highest and best price offered
for the same, they became the purchaser thereof at
that price. This land is subject to the dower of
Francis Pace therein during her life, and this being
its condition it brought a sound full price, the
truth is it brought its full value if it was free from
that encumbrance, and hence I think the sale
ought to be confirmed:

The cost of suit and sale amounts to \$29.19 and this
was paid in hand by the Peffs. and I have accounted
for that sum in the manner shown in the tabular
statement at the foot of this report,

When the costs of suit and sale is deducted from the purchase price of \$150. it leaves the sum of \$120.81 And as the plaintiffs were the purchasers I thought it unnecessary to take their bond for the same and hence did not do so. and in lieu of doing so, I suggest, that a decree be entered in the cause ordering said sum of \$120.81 to stand as a credit as of May 17 1887 on the Peffs recovery against said defendant, as shown by the former decree in the cause And when this is done, then the plaintiffs are entitled to a deed of conveyance for the land so purchased subject to the life estate of Francis Pace Thurman.

The following table shows how I have disposed of said sum received as cost &c.

	Cash paid me May 17 1887 as cost & commission	\$29.19
	By 5 per cent commission on \$150.00 retained	\$7.50
	By attorneys fee retained this sum	15.00
1	By this sum paid Hyatt clerks fees	5.69
2	By this sum paid Ewing Sherffs fees.	.50
3	" " " " 60 clerk fee	50
		<u>\$29.19</u>

All which is respectfully submitted

Henry J. Morgan Barr
June 1 - 1887.

Whelan & Ball

no } Cont. Report - Sale of land

Stephen Pace

Filed June the 10 1887.

J. A. Hyatt & Co.

Wheeler & Ball

Plffs.

vs.

Stephen Pace

Def't.

In Chy.

To the Hon. H. S. Morrison Judge of the Circuit
Court of Lee County Virginia;

As directed by your decree entered in this cause
on the 30th day of Augt 1887. I have executed & acknowledged
for record a deed conveying to the plaintiff, the remainder
and title of the defendant, in and to the 37 acre tract of
land in the bill mentioned subject to the estate of the
life tenant Francis Pace thereon. with covenants of Special
Warranty. And said deed of conveyance is herewith sub-
mitted for your inspection and approval marked (B-13)

All which is respectfully submitted;

Henry J. Morgan Special Bond.

Augt 31 1887.

Wheeler & Ball

no } Court Report of Deed
}

Stephen Pace

Filed in Court the 26 Aug. 1887

J. H. Hyatt cc

Wheeler & Ball
Court Report of Deed

VIRGINIA--Lee County, to wit:

TO L. R. Edds, Constable of said County

I Hereby Command You to Summon Stephen Pace & Joseph Lowe, if to be found in your District, to appear at D. Humphrell's ^{store}, in said County, on the 17 day of November 1886 before me or such other Justice of said County as may then be there, to try this Warrant: to answer the complaint of I. M. Wheel & M. S. Ball and upon a claim for money not exceeding \$100.00, exclusive of interest, to wit: for the sum of \$ 100.00 due by Wheat. And then and there make return of this Warrant. Given under my hand the 7 day of November, 1886.

E. H. Daniel, J. P.

I. M. Wheel & M. S. Ball
Against.

On the 13 day of November, 1886.
In Debt.

At D. Humphrell's store in said County.

JUDGMENT, That the plaintiff recover of the Defendant, \$ 100.00, with interest thereon from the 1 day of January, ¹⁸⁷⁹ ~~188~~, till paid, and \$ 1.00 for costs.

E. H. Daniel, J. P.

VIRGINIA---Lee County To Wit:

TO L. R. Edds, CONSTABLE OF SAID COUNTY:

I COMMAND YOU, In the name of the Commonwealth of Virginia, that of the goods and chattles of Stephen Pace & Joseph Lowe, in your County, you cause to be made the sum of \$ 100.00 with interest thereon from the 1 day of November ¹⁸⁷⁹ ~~188~~, till paid, which I. M. Wheel & M. S. Ball has recovered before me in a Warrant in Debt, and also the sum of \$ 1.00 which were adjudged to said Wheel & Ball for costs in prosecuting said Warrant. Given under my hand 13 day of November 1886.

E. H. Daniel, J. P.

Whaler & Ball
V S Lowe
Stephen Saxe & Joseph

Executed the 12 Day
of November 1886

J. R. Edds LCO

\$ 100.00

(A)

VIRGINIA--Lee County, to wit:

To J. R. Edds, Constable of said County

I Hereby Command You to Summon Stephen Pace, if to be found in your District, to appear at D. Campbell's store, in said County, on the 13 day of November 1886 before me or such other Justice of said County as may then be there, to try this Warrant: to answer the complaint of J. McWhorter & M. S. Ball and upon a claim for money not exceeding \$100.00, exclusive of interest, to wit: for the sum of \$ 65.00 due by Note. And then and there make return of this Warrant. Given under my hand the 9 day of November, 1886.

E. H. Danill, J. P.

J. McWhorter & M. S. Ball

Against.

Stephen Pace

On the 13 day of November, 1886.

In Debt.

At D. Campbell's store, in said County.

JUDGMENT, That the plaintiff recover of the Defendant, \$ 65.00, with interest thereon from the 1 day of January 1887, till paid, and \$ 1.00 for costs.

E. H. Danill, J. P.

VIRGINIA---Lee County To Wit:

TO J. R. Edds, CONSTABLE OF SAID COUNTY:

I COMMAND YOU, In the name of the Commonwealth of Virginia, that of the goods and chattles of Stephen Pace, in your County, you cause to be made the sum of \$ 65.00 with interest thereon from the 1 day of January 1887, till paid, which McWhorter & Ball has recovered before me in a Warrant in Debt, and also the sum of \$ 1.00 which were adjudged to said J. McWhorter & M. S. Ball for costs in prosecuting said Warrant. Given under my hand 13 day of November 1886,

E. H. Danill, J. P.

Wheeler & Ball
73
Stephen Pace

Executed the 12 Day of
November 1886

J. R. Edds LSC

\$ 657.00

(3)

VIRGINIA--Lee County, to wit:

TO L. R. Eddis

, Constable of said County

I Hereby Command You to Summon Stephen Pace, if to be found in your District, to appear at D Campbell's Store, in said County, on the 13 day of November 1886 before me or such other Justice of said County as may then be there, to try this Warrant: to answer the complaint of J. M. Wheeler & M. S. Ball and upon a claim for money not exceeding \$100.00, exclusive of interest, to wit: for the sum of \$ 65.00 due by Note. And then and there make return of this Warrant. Given under my hand the 9 day of November, 1886.

E. H. Daniel, J. P.

J. M. Wheeler & M. S. Ball

Against.

Stephen Pace

On the 13 day of November, 1886.
In Debt.

At D Campbell's Store, in said County.

JUDGMENT, That the plaintiff recover of the Defendant, \$ 65.00, with interest thereon from the 1 day of January, 1880, till paid, and \$ 1.00 for costs.

E. H. Daniel, J. P.

VIRGINIA---Lee County To Wit:

TO L. R. Eddis

, CONSTABLE OF SAID COUNTY:

I COMMAND YOU, In the name of the Commonwealth of Virginia, that of the goods and chattles of Stephen Pace, in your County, you cause to be made the sum of \$ 65.00 with interest thereon from the 1 day of January, 1880, till paid, which Wheeler & Ball has recovered before me in a Warrant in Debt, and also the sum of \$ 1.00 which were adjudged to said Wheeler & Ball for costs in prosecuting said Warrant. Given under my hand 13 day of November 1886,

E. H. Daniel, J. P.

Wheeler & Ball
WB

Stephen Pace

Executed this 12 Day of
November 1886

L. R. Edds LSC

\$65.00

(6)

VIRGINIA--Lee County, to wit:

TO J. R. Edds, Constable of said County

I Hereby Command You to Summon Stephen Pace & Joseph Lowe, if to be found
in your District, to appear at Hampbell's Store, in said County, on the 13 day of November 1886
before me or such other Justice of said County as may then be there, to try this Warrant: to answer the complaint of
J. M. Wheeler & S. M. & Ball and upon a claim for money not exceeding \$100.00, exclusive of inter-
est, to wit: for the sum of \$ 100.00 due by Note. And then and there make return
of this Warrant. Given under my hand the 9 day of November, 1886.

E. M. Daniell, J. P.

Wheeler & Ball

Against.

Stephen Pace & Joseph Lowe

On the 13 day of November, 1886.

In Debt.

At Hampbell's Store, in said County.

JUDGMENT, That the plaintiff recover of the Defendant, \$ 100.00, with interest thereon from the 1 day of January, 1881, till paid, and \$ 1.00 for costs.

E. M. Daniell, J. P.

VIRGINIA---Lee County To Wit:

TO J. R. Edds, CONSTABLE OF SAID COUNTY:

I COMMAND YOU, In the name of the Commonwealth of Virginia, that of the goods and chattles of
Stephen Pace & Joseph Lowe, in your County, you cause to be made the sum of \$ 100.00 with in-
terest thereon from the 1 day of January, 1881, till paid, which J. M. Wheeler & S. M. & Ball
has recovered before me in a Warrant in Debt, and also the sum of \$ 1.00 which were adjudged to said Wheeler & Ball
for costs in prosecuting said Warrant. Given under my hand 13 day of November 1886.

E. M. Daniell, J. P.

Wheeler & Ball
V. S. Lowe
Stephen. Pace & Joseph

Executed the 12 Days
of November 1886

J. R. Edds L. C.

\$ 100.00

(5)

This August the 1 1885.

I, Edmond Pace make my will just as I want my business managed & what I have for my aires the entire estate after my death. I now give John Pace the land that he is living on in Horling Va horse that I give him some years ago this as his entire part of my Estate after my death.

I now give Pafe Hill & her aires the land that I sold to her & her husband but they never paid me for it & they sold it & I now give it & five dollars & to her & her aires as her entire part of my estate after my death, I now give Lizzie Hill a note that I have against her husband this note is ninety five \$95. dollars and a equal share with the other aires out side of the note.

I now give Francis Pace my wife one head outfit too chickens one skillet one pot one cow too sheep & my horse for her & Stephen Pace to work this property for her till her death then hit all sold & Equely divided to all of the aires. I now give Francis Pace my wife a certain Bound of land to her & Stephen Pace aires this land after her death all to go to Stephen Paces aires this part of land the North end of my home farm this part of land corner any near the road

That runs from Boons Path to the white
shoals running line with Brooks to a
a white oak on the south of Brooks
lands thence a strait line to a chestnut
corner on Hamiltons. line thence
back to the road again this to be
Francis Pace my wife her & Stephen
Paces entire part of my estate after
my death, this is all I will to Francis
Pace & Stephen pace. Prof. Odell, John
Pace this to be theair entire part of
my estate after my death & now I
want all of the remainder of the
property & the remainder of the land
to all be sold & equally divided to the
other aires Edwin Pace & his aires Adson
Pace & his aires Abaslon Pace & his
aires Vance Suttord aires Lize Jan-
Madkins & her aires Lizzie Hill & her
aires, this close my entire will & estate after
my death just as I want my estate divided
this closes the will of Edmon Pace to
his aires after my death this viter by
Abdalom Pace my grandson.

Edmon Pace Seal

L. S. Speak W.

R. B. Merum W.

Virginia.

At a county court begun and held
for Lee County at the court house thereof
on Tuesday the 20th day of October 1885.
The last will and testament of Edmund
Pace was this day produced in court
and proved by the oath of J. S. Spear
one of the subscribing witnesses thereto
who also proved the execution of said
will by the testator, in the presence
of himself and R. B. Marcum the
other subscribing witness thereto both
being present together at the same
time and so that they each attested
said will at the request of the testator
and in his presence, said will is
thereupon ordered to be recorded.

Attest

Test John R. Gibson clerk

Attest of the Record

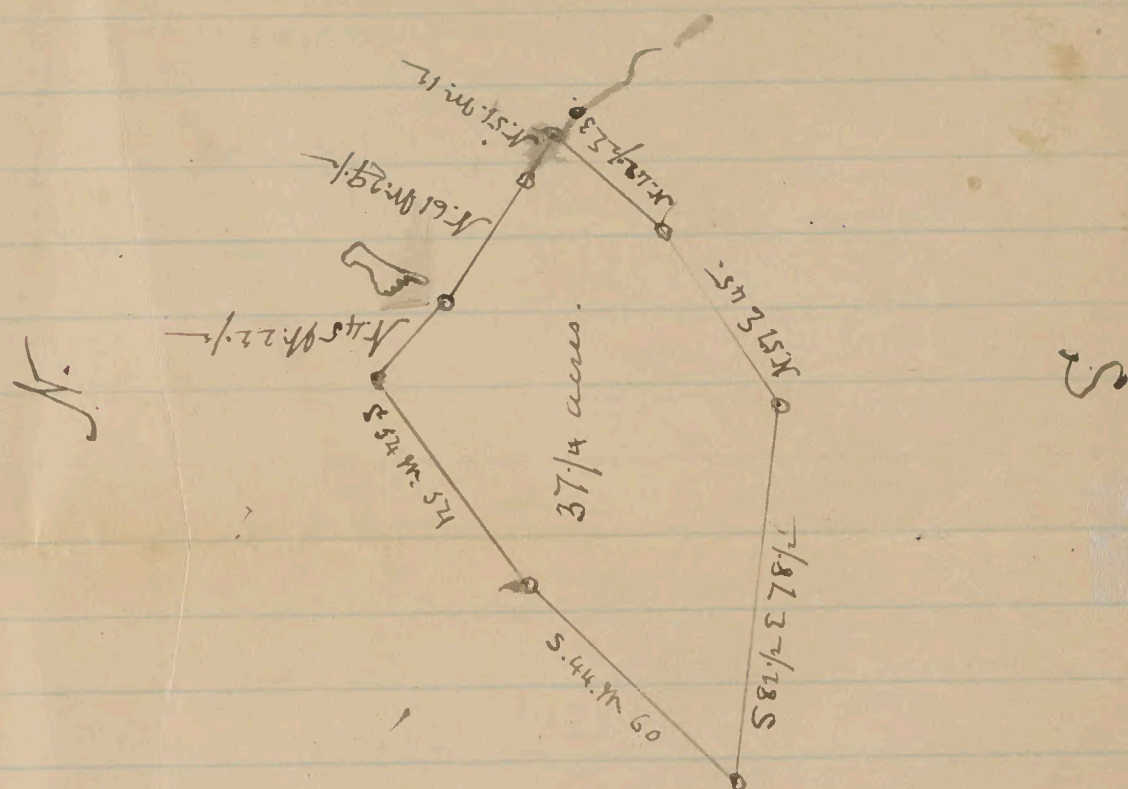
Test John R. Gibson clerk

Edmon Pace
Copy of Last Will

Will Book no 3 P. 631.

(E)

See for copy 507



Beginning at a poplar on the west side of the road leading to
 Boone's path, and running thence with said road N. 45° W. 22 1/2' poles
 to S. W. Brooks corner, thence with his line leaving the road S. 54° W.
 54 poles to a dead chestnut, thence S. 44° W. 60 poles to a white
 Oak Paces corner, thence leaving Brooks line S. 82 1/2° E. 78 1/2
 poles to a chestnut Hamletts corner, thence his line N. 57° E. 45 poles
 to a white Oak, thence N. 42 1/2° E. 30 poles to a chestnut on the
 west side of the road, thence at N. 51° W. 12 poles to a Stake, thence
 N. 61° W. 29 1/2 Poles to the Beginning

Platt of Land to the
widow for life and then
to Stephen Pease & the latter
takes a present interest

Exhibit (F)

Wm. Ball

vs.

Stephen Pace

Puff.

Deft.

In shy

Recd of H. J. Morgan Cont. in the above styled cause the
sum of five dollars & 69 cents the fees due me as clerk therein
May 17 1887.

J. A. Hyatt C. C.

Recd of H. J. Morgan as above 50 cts. for copy of Papers will
May 17 1887.

J. R. Gibson clk.

Recd of H. J. Morgan as above 50 shiffs fee in said cause
May 17 1887.

Commission	7.50
attos fee	15.00
clerk	5.69
clerk Co. it	50
stiff	50

29.19

Wheeler & Ball

vs. $\frac{2}{3}$ Receipts No. 1, 2, 3,

Stephen Pace

The Commonwealth of Virginia,

To the Sheriff of LEE COUNTY--Greeting:

WE COMMAND YOU to summon

Stephen Pace

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House
on the first Monday in *February* next, being Rule Day, to answer a
Bill in Chancery exhibited in our Court against *him*, by *James*

*M. Wheeler & Moses S. Ball late merchants &
partners in trade under the firm name
of "Wheeler & Ball."*

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said
Court, at the Court House, this *26th* day of *January* 188*7* in
the *111* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste:

(D. J. M)

Wheeler & Ball

vs $\frac{3}{3}$ Spa. in Chcy

Stephen Pace

Lo February Rules 1887

Executed by delivering
office copy of this
Spa to Stephen Pace
Febry 4th 1887.

J. H. Cunningham Deputy
for R. D. Manning S. L. G.